

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Brandon Griffith,	:	
Plaintiff,	:	
	:	
v.	:	File No. 2:05-CV-126
	:	
Robert Hofmann, Vermont	:	
Department of Corrections,	:	
Vermont Probation	:	
Department, Jay Simons,	:	
Deb Thibault, Celeste	:	
Girrell, Scott Morley,	:	
Defendants.	:	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(Paper 33)

Plaintiff Brandon Griffith, a Vermont inmate proceeding *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983 claiming that the defendants have violated his constitutional rights. Specifically, Griffith alleges that his parole release was wrongfully delayed, that he was given no medication for the days immediately following his release, and that while incarcerated he was placed in administrative segregation and denied basic rights.

In an Order dated August 24, 2006, the Court dismissed Griffith's claims against the defendants in their official capacities. The Court also warned that Griffith's medication claim lacked factual support, and

granted him leave to amend within 20 days. After Griffith failed to file a timely amendment, the defendants moved to dismiss the medication claim (Paper 33). Shortly after the defendants filed their motion, Griffith moved for an extension of time.

On January 11, 2007, the Court granted the motion for extension of time and allowed Griffith an additional 30 days in which to amend his complaint. On February 7, 2007, Griffith filed a timely amendment, to which the defendants have filed an answer. In light of Griffith's compliance with the Court's latest order, the defendants' motion to dismiss to for failure to file a timely amendment is moot. I therefore recommend that the motion to dismiss (Paper 33) be DENIED. The parties shall comply with Local Rule 26.1(b) and submit a joint discovery schedule within 10 days of the date of this Report and Recommendation.

Dated at Burlington, in the District of Vermont,
this 12th day of July, 2007.

/s/ Jerome J. Niedermeier
Jerome J. Niedermeier
United States Magistrate Judge

Any party may object to this Report and Recommendation within 10 days after service by filing with the clerk of the court and serving on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. Failure to file objections within the specified time waives the right to appeal the District Court's order. See Local Rules 72.1, 72.3, 73.1; 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), 6(a) and 6(e).